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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,923	03/03/2004	Raymond K. Selander	IFF-74	3820
48080	7590	01/19/2006	EXAMINER	
INTERNATIONAL FLAVORS & FRAGRANCES INC.			FULLER, RODNEY EVAN	
521 WEST 57TH ST			ART UNIT	PAPER NUMBER
NEW YORK, NY 10019			2851	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

3K

Office Action Summary	Application No. 10/791,923	Applicant(s) SELANDER ET AL	
	Examiner Rodney E. Fuller	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-19,21-24 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-19,21-24 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RODNEY FULLER
PRIMARY EXAMINER



Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

In response to applicant's Amendment, dated December 23, 2005, the examiner acknowledges the cancellation of claims 2, 4, 20, 25 and 26. Claims 1, 3, 5-19, 21-24 and 27 are pending.

The examiner acknowledges the corrections of the Objections to the Specifications and Drawings set forth in the Office Action mailed September 26, 2005.

Regarding the 35 U.S.C. 102(e) rejection of claims 1-27 as being anticipated by Nelson (US 6,783,084), the applicant amended the independent claims and makes the argument that the amended claims recite "that there is a single compressed gas conduit that is in communication with the turret holding a plurality of fragrance chemicals." The applicant argues that Nelson discloses that each scent must have its own conduit 62 that terminates in a valve 65. The applicant's arguments are related to the conduits (ref.# 62) that permit the scent to exit from the fragrance containers. However, the single conduit set forth in the claims and described in the specification (page 6, 3rd paragraph) is related to the conduit that provides air to the fragrance containers. Referring to Figure 5 of Nelson, the "single" conduit between the air pump (ref.# 54) and the header (ref.# 55, which acts as the turret) is shown as a passage way with an arrow. Thus, the examiner maintains that Nelson does disclose "a single compressed gas conduit that is in communication with the 'turret' holding a plurality of fragrance chemicals."

The applicant makes a second argument in that Nelson does not recite an "indexing turret containing a plurality of port," and that Nelson does not teach or suggest that the housing 42 can rotate or index in the manner of a turret." The examiner notes that the apparatus of Nelson discloses a header with a plurality of valves (Fig. 5, ref.# 59) that selectively allows gas to individual fragrance holders (See Nelson, column 4, lines 15-25). Thus, the examiner agrees with the applicant that Nelson does not specifically set forth a rotating or indexing turret to select the different fragrance containers. However, the examiner maintains it would have been an obvious modification to Nelson to replace the header and valves (ref.#s 55, 59) with a rotating turret. (See Rejection Below). Furthermore, McCarthy (US 4,603,030) and Machida, et al. (US 5,023,020) would each read on the claims.

Thus, the examiner withdraws the 35 U.S.C. 102(e) rejection 1-27 as being anticipated by Nelson (US 6,783,084).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-19, 21-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 6,783,084) in view of McCarthy (US 4,603,030).

Nelson discloses all the structure set forth in the claims (See Office Action mailed September 26, 2005) except that Nelson discloses a fixed header with a plurality of valves to selectively provide air to different fragrance chambers. In contrast, the present invention utilizes a "turret" that is rotated and indexed to selectively choose the fragrance chamber. However, a scent-emitting system that utilizes a rotating and indexed "turret" is routine in the art as is evident from the teaching of McCarthy (See McCarthy, Figure 3). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the header (ref.# 55) and valves (ref.#59) and multiple conduits (ref.# 56) between the air pump (ref.#54) and the fragrance holders (ref.#59) with a rotating turret holding individual fragrance holders in a similar configuration as that shown by McCarthy in Figure 3. One of ordinary skill in the art would have been motivated to modify Nelson with a McCarthy type turret for carrying the fragrance holders to a position from which they can be placed into operative relation with the air propelling means (See McCarthy, column 1, lines 35-40) in order reduce cost of they system by eliminating multiple conduit (ref.# 56) and multiple control valves (ref.#59).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Machida, et al. (US 5,023,020) discloses an apparatus for fragrance sensory stimulation that utilizes a fragrance generator, a fragrance control system, a single gas

conduit, and an indexing turret containing a plurality of ports containing fragrance chemicals. (Underline emphasis added by examiner)

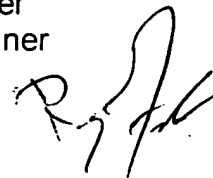
Further, McCarthy (US 4,603,030) listed as prior art in the Office Action mailed September 26, 2005 has similar structure as Machida.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller
Primary Examiner
Art Unit 2851



January 12, 2006